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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,505	01/31/2001	Richard H. Boivie	YOR920000617US1	3106

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EXAMINER	
STEVENS, ROBERTA A	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/774,505	Applicant(s) BOIVIE, RICHARD H.	
	Examiner Roberta A Stevens	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *23-25,27,28,32 and 33* is/are allowed.

6)☒ Claim(s) *1-6,9-14,16-18,26,29 and 30* is/are rejected.

7)☒ Claim(s) *7,8,15,19-22 and 31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

333Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 9-13, 26, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones (U.S. 6512776 B1).

3. Regarding claim 1, Jones teaches (figure 2) a method of delivering information to multiple networked devices, comprising: receiving a first request for a first item of information from a first networked device (client 1); receiving a second request for the first item of information from a second networked device (client 2); forming a combined packet including a first address used for the first networked device, and second address used for the second networked device, and a data payload that includes at least a part of the first item of information, for delivering the data payload to multiple networked devices (col. 2, lines 30-52).

4. Regarding claim 2, Jones teaches (figure 2) in response to the first request forming a first packet indicating the first address and a first data payload; in response to the second request forming a second packet indicating the first address and a first data payload; determining that the first packet and the second packet both include the data payload and performing the combining step (col. 2, lines 45-52).

5. Regarding claim 3, Jones teaches (col. 2, lines 59 – col. 3, lines 14) comparing the byte size of the first packet to the byte size of the second packet.

6. Regarding claim 4, Jones teaches (col. 2, lines 54 – col. 3) computing a cannonical checksum for the first packet; computing a cannonical checksum for the second packet; and comparing the cannonical checksum for the first packet to the cannonical checksum for the second packet.

7. Regarding claim 5, Jones teaches (col. 2, lines 54 – col. 3) performing a byte-by byte comparison of the data payload of the first packet and of the second packet.

8. Regarding claim 6, Jones teaches (col. 2, lines 54 – col. 3) computing a cannonical checksum for the first packet; computing a cannonical checksum for the second packet; comparing the cannonical checksum for the first packet to the cannonical checksum for the second packet; and in the case that the cannonical checksum for the first packet matches the cannonical checksum for the second packet, performing a byte-by-byte comparison of the data payloads of the first and second packet.

9. Regarding claim 9, Jones teaches (col. 2, lines 59 – col. 3) comparing the byte size of the first packet to the byte size of the second packet, in the case where the sizes match, computing a cannonical checksum for the first packet; computing a cannonical checksum for the second

packet; and comparing the cannonical checksum for the first packet to the cannonical checksum for the second packet.

10. Regarding claim 10, Jones teaches (col. 2, lines 54 – col. 3) in the case that the cannonical checksum for the first packet matches the cannonical checksum for the second packet, performing a byte-by-byte comparison of the data payloads of the first and second packet.

11. Regarding claim 11, Jones teaches (col. 2, lines 59 – col. 3, lines 14) comparing the byte size of the first packet to the byte size of the second packet, in the case where the byte sizes match, performing a byte-by byte comparison of the data payload of the first packet and of the second packet.

12. Regarding claim 12, Jones teaches (figure 2) receiving a request for web content. In the Jones reference, figure 2 depicts Internet as the source network, therefore it is inherent in Jones' system that web content information can be requested.

13. Regarding claim 13, Jones teaches (figure 2) receiving a request for web content. In the Jones reference, figure 2 depicts Internet as the source network therefore it is inherent in Jones' system that http information can be requested.

14. Regarding claim 26, Jones teaches (figure 2) a network device comprising: a comparator for comparing an item of information associated with a first destination address with an item of information associated with a second destination address (col. 2, lines 33-34); a packet manager for combining the first destination address, the second destination address, and the item of information in a packet (col. 2, lines 46-48); and a network interface for transmitting the packet (col. 2, line 36).

15. Regarding claim 29, Jones teaches (figure 2) a computer readable medium containing programming instructions for distributing information over a network, comprising: receiving a first request for a first item of information from a first networked device (client 1); receiving a second request for the first item of information from a second networked device (client 2); forming a combined packet including a first address used for the first networked device, second address used for the second networked device, and at least a part of the first item of information (col. 2, lines 30-52).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. Claims 14, 16 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Hesse (U.D. 6754207 B1).

18. Regarding claim 14, as mentioned above Jones teaches all of the limitations of claim 1.

19. Jones does not teach adding to the combined packet a first reliable unicast header part associated with the first address; and adding to the combined packet a second reliable unicast header part associated with the second address.

20. Hesse teaches (col. 21, lines 25-50) multicasting messages using multiple headers and a single payload. It would have been obvious to one of ordinary skill in the art to adapt to Jones's system Hesse's concept of multiple headers to ensure proper delivery of the message to the designated destination and maintain the tracking of information within the system.

21. Regarding claim 16, Jones teaches a method of relaying a packet in a network, comprising: receiving a data content part of a first packet; receiving a first destination address part of the first packet; and receiving a second destination address part of the first packet (col. 4, lines 32-43).

22. Jones does not teach receiving a first reliable unicast header part associated with the first address; and receiving a second reliable unicast header part associated with the second address.

23. Hesse teaches (col. 21, lines 25-50) multicasting messages using multiple headers and a single payload. It would have been obvious to one of ordinary skill in the art to adapt to Jones's system Hesse's concept of multiple headers to ensure proper delivery of the message to the designated destination and maintain the tracking of information within the system.

24. Regarding claim 30, Jones teaches, a computer readable medium containing programming instructions for relaying a packet in a network comprising: receiving a data content part of a first packet; receiving a first destination address part of the first packet; and receiving a second destination address part of the first packet (col. 4, lines 32-43).

25. Jones does not teach receiving a first reliable unicast header part associated with the first address; and receiving a second reliable unicast header part associated with the second address.

26. Hesse teaches (col. 21, lines 25-50) multicasting messages using multiple headers and a single payload. It would have been obvious to one of ordinary skill in the art to adapt to Jones's system Hesse's concept of multiple headers to ensure proper delivery of the message to the designated destination and maintain the tracking of information within the system.

27. Claim 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Hesse (U.D. 6754207 B1) and in further view of Chao (U/S. 6389031 B1).

28. As mentioned above Jones and Hesse teach all of the limitations of claim 16, however they do not teach a TCP header.

29. Chao teaches (figure 1) a TCP header to form a TCP segment (col. 3, lines 22-31). It would have been obvious to one of ordinary skill in the art to adapt to Jones and Hesse's system a TCP header to broaden the scope of the invention to include TCP/IP protocol.

30. Claim 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Hesse (U.D. 6754207 B1) and in further view of Bryden (U/S. 6717944 B1).

31. As mentioned above Jones and Hesse teaches all of the limitations of claim 16, However they do not teach determining a first and second next hop based on the first and second destination addresses.

32. Bryden teaches (col. 9, lines 54-56) determining the next hop address based on the destination address. It would have been obvious to one of ordinary skill in the art to adapt to Jones and Hesse's system Bryden's determination of the next hop address based on the destination address in order to arrive at the best path possible to the destination node.

Allowable Subject Matter

33. Claims 7, 8, 15, 19-22, 31 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

34. Claims 23-25, 27, 28 32 and 33 are allowed.

Conclusion

35. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is *(703) 308-6607*. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:30 p.m.

36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on *(703) 308-6602*.

37. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is *(703) 305-3900*.

38. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9306

For informal draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

08-02-04

ALPUS H. HSU
PRIMARY EXAMINER